IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 1044(S/S)07

Ujjawal Singh Rawat S/o Sri Gulab Singh Rawat,
Assistant Teacher, (L.T.) (General Subject),
Govt. Inter College, Kharadi,
Block Naugoun, District Uttarakashi. -----Petitioner.

Vs.

1. State of Uttarakhand through its Secretary,
   School Education, Dehradun,
2. Director, School Education, State of Uttarakhand,
   Dehradun,
3. District Education Officer, Uttarkashi. ------Respondents.

Sri N.S. Pundir, learned counsel for the petitioner.
Sri N.P. Sah, learned Standing Counsel for State of Uttarakhand/respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri N.S. Pundir, learned counsel for the petitioner and Sri N.P. Sah, learned Standing Counsel for State of Uttarakhand/respondents.

The petitioner has preferred the instant writ petition challenging the impugned order dated 04.06.2007 passed by the respondent no. 3 (annexure no.1 so far as it relates to the petitioner) by which the petitioner, who is working as Assistant Teacher (L.T. Grade) at Govt. Inter Collage, Kharadi, Block Naugoun, Uttarkashi has been transferred to Govt. Inter Collage Gangtadi on the ground that he is posted there against inconsistent subject.

The petitioner has assailed the impugned transfer on various grounds, such as, the petitioner is aged about 58 years; that as per the transfer policy, if any employee has attained 55 years' of his/her age or above then 55 years and in case transfer

of such employee is necessary then option should be invited from the employee concerned and thereafter the employee should be posted at one of his/her choice places; that the petitioner is not surplus in the Institution and lastly that the petitioner has rendered 36 years' of service in dis-comfortable areas.

In this regard, raising all his grievances, the petitioner has already moved a representation on 10.07.2007 (annexure no.5 to the writ petition) before the District Education Officer, Uttarkashi, which is still pending before him.

Therefore, without entering in to the merits of the case, I direct the District Education Officer, Uttarkashi/respondent no. 3 to take decision on the representation of the petitioner dated 10.07.2007 (annexure no.5 to the writ petition) within a period of three weeks, from the date of production of a certified copy of this order. The petitioner is directed to produce a certified copy of this order before respondent no.3 within a week.

Till the representation is decided by respondent no.3, operation of the impugned order dated 4th June 2007, contains as annexure no.1 to the writ petition so far as it relates to the petitioner, passed by respondent no.3 shall remain stayed.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

August 9, 2007:
NCM: